

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN PENNEL and
ISHMAEL OBAMA,

Plaintiffs,

vs.

Case No. 13-CV-12822
HON. GEORGE CARAM STEEH

WAYNE COUNTY SHERIFF'S
DEPARTMENT and JOHN DOES,

Defendants.

_____ /

ORDER ACCEPTING MAGISTRATE JUDGE'S TWO
REPORTS AND RECOMMENDATIONS [DOCS. 20 AND 24]
AND DISMISSING CASE WITHOUT PREJUDICE

This matter is before the court on two reports and recommendations issued by the magistrate judge. The first report and recommendation addresses plaintiff Ishmael Obama's motion to amend the complaint. Obama claims he was told by deputies to "move along or he'll suffer the same ass kicking that [Pennel] . . . receiv[ed]" after co-plaintiff Shawn Pennel was allegedly beaten by the deputies. The magistrate judge opines that Obama has a state law assault claim which is intertwined with Pennel's Fourth Amendment excessive force claim. The magistrate judge recommends that the court exercise supplemental jurisdiction over Obama's state law assault claim.

The second report and recommendation addresses a letter to the court from Shawn Pennel that says co-plaintiff Ishmael Obama filed the lawsuit without his permission. The letter states that Pennel does not want anything to do with the lawsuit, accuses Obama of misleading the court, and requests that the court disregard any

papers that are filed in the matter. The magistrate judge recommends that the entire case be dismissed without prejudice because the court only has jurisdiction over Obama's claim if Pennel's claim proceeds.

The only filing received by the court following the reports and recommendations was the letter disavowing the lawsuit by Pennel. The court agrees with both recommendations of the magistrate judge and adopts the reasoning contained in the two reports and recommendations. Now, therefore,

IT IS HEREBY ORDERED that both reports and recommendations issued by the magistrate judge are ACCEPTED.

IT IS HEREBY FURTHER ORDERED that the case is DISMISSED without prejudice.

Dated: October 16, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 16, 2013, by electronic and/or ordinary mail and also on Ishmael Obama #145160, Grimes Unit, 300 Corrections Drive, Newport, AR 72112; and Shawn Pennel #550858, Grimes Unit, 300 Corrections Drive, Newport, AR 72112.

s/Barbara Radke
Deputy Clerk